

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

RICO ISAIH HAIRSTON,	:	Case No. 1:22-cv-104
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Susan J. Dlott
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
FRELON SPARKS, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

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REPORT AND RECOMMENDATION<sup>1</sup>

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This case is before the Court upon Plaintiff's Motion for Summary Judgment. (Doc. #160). On January 30, 2025, the undersigned granted Plaintiff Third Motion to Compel, in part, and ordered Defendants to produce outstanding discovery by February 28, 2025. (Doc. #180).

In light of the outstanding discovery and in an effort to give Plaintiff the opportunity to examine all evidence relevant to his claims, the undersigned **RECOMMENDS** that the Court **DENY** Plaintiff's Motion for Summary Judgment (Doc. #160) without prejudice to renew.<sup>2</sup> Once the undersigned is satisfied that discovery is complete, a new deadline for dispositive motions will be set.

January 31, 2025

*s/Peter B. Silvain, Jr.*

Peter B. Silvain, Jr.  
United States Magistrate Judge

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<sup>1</sup> Attached is a NOTICE to the parties regarding objections to this Report and Recommendation.

<sup>2</sup> If Plaintiff chooses to file another motion for summary judgment, he may refer to the exhibits previously submitted to the Court in support of his Motion for Summary Judgment (Doc. #160); he need not refile all the exhibits. However, he may attach additional relevant exhibits.

### NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).